

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

COMMUNICATION SERVICE FOR THE
DEAF, INC.,

Plaintiff,

vs.

FIRST ADMINISTRATORS, INC., RMTS,
L.L.C. and GERBER LIFE INSURANCE
COMPANY

Defendants.

and

FIRST ADMINISTRATORS, INC.,

Third-Party Plaintiff,

vs.

HAAKE COMPANIES, A MARSH &
MCCELLAN AGENCY LLC COMPANY,

Third-Party Defendant.

CIV. 10-4134

**STIPULATED MOTION TO DISMISS
HAAKE COMPANIES' CROSS-CLAIM
AS TO RMTS, L.L.C. AND GERBER LIFE
INSURANCE COMPANY**

Come now the parties, by and through their undersigned counsel, and move for dismissal with prejudice of the Cross-Claim of Haake Companies ("Cross-Claim") as it relates to Gerber Life Insurance Company ("Gerber") and RMTS, L.L.C. ("RMTS"), with all parties bearing their own costs, expenses, and attorneys' fees. The Cross-Claim is only dismissed as to Gerber and RMTS, and nothing herein shall be construed as a dismissal or as otherwise affecting the Cross-Claim as it relates to First Administrators, Inc.

WHEREFORE, the parties respectfully request that the Cross-Claim be dismissed with prejudice as to Gerber and RMTS.

Dated this 16th day of October, 2012.

November

LYNN, JACKSON, SHULTZ & LEBRUN, P.C.

By: 

Eric R. Kerkvliet
Jennifer L. Ferris
Attorneys for Plaintiff
P.O. Box 2700
Sioux Falls, SD 57101-2700

Dated this 26th day of October, 2012.

HAGEN, WILKA & ARCHER, LLP

By 

Thomas K. Wilka
600 S. Main Avenue, Suite 102
P.O. Box 964
Sioux Falls, SD 57101-0964

Dated this 20 day of November, 2012.

NYEMASTER, GOODE, WEST, HANSELL &
O'BRIEN, P.C.

By

John F. Lorentzen
700 Walnut, Suite 1600
Des Moines, Iowa 50309

and

WOODS, FULLER, SCHULTZ & SMITH

Kristine O'Connell
300 South Phillips Ave., Suite 300
PO Box 5027
Sioux Falls, SD 57117-5027

Dated this 14th day of January, 2013

BOYCE, GREENFIELD, PASHBY &
WELK

By:

Thomas J. Welk
Jason Sutton
Meghann M. Joyce
PO Box 5015
Sioux Falls, SD 57117-5015

CERTIFICATE OF SERVICE

I certify that on 18th day of January, 2013, the foregoing *Stipulated Motion to Dismiss Haake Companies' Cross-Claim as to RMTS, L.L.C. and Gerber Life Insurance Company* was filed with the United States District Court, District of South Dakota, Southern Division, by using the CM/ECF system, which will electronically serve copies on the following:

Thomas K. Wilka
Hagen Wilka & Archer, LLP
600 S. Main Avenue, Suite 102,
Sioux Falls, SD 57104

Kristine O'Connell
Woods, Fuller, Schultz & Smith
300 South Phillips Ave.
Suite 300, PO Box 5027
Sioux Falls, SD 57117-5027

John F. Lorentzen,
Nyemaster Goode, P.C.,
700 Walnut Street
Suite 1600
Des Moines, IA 50309

Thomas J. Welk
Jason Sutton
Meghann M. Joyce
Boyce, Greenfield, Pashby & Welk, LLP
300 South Main Avenue; PO Box 5015
Sioux Falls, SD 57117

/s/ Eric R. Kerkvliet
Eric R. Kerkvliet